

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

BARRY WEISFELD,

Defendant.

Adv. Pro. No. 10-04332 (SMB)

**NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010

Protective Order<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141] (the “Avoidance Procedures Order”). Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated Estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 3, 2010 [ECF No. 2], the Avoidance Procedures Order is applicable to the instant matter.

Pursuant to the Avoidance Procedures Order, on August 25, 2017 the Trustee filed with this Court the Notice of Mediation Referral [ECF No. 53, wherein the Trustee and defendant Barry Weisfeld (together with the Trustee, the “Parties”) jointly agreed to enter mediation upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures Order and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Richard J. Davis, Esq., from the law office of Richard J. Davis, to act as the Mediator in this matter. The Parties further agree to contact the Mediator as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as the Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as the Mediator.

Pursuant to the Avoidance Procedures Order, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: New York, New York  
October 13, 2017

/s/ Keith R. Murphy

**Baker & Hostetler LLP**

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Keith R. Murphy

Email: kmurphy@bakerlaw.com

Robertson D. Beckerlegge

Email: rbeckerlegge@bakerlaw.com

Dominic A. Gentile

Email: dgentile@bakerlaw.com

/s/ Carole Neville

**Dentons US LLP**

1221 Avenue of the Americas

New York, New York 10020

Telephone: (212) 768-6700

Facsimile: (212) 768-6800

Carole Neville

Email: carole.neville@dentons.com

*Attorney for Defendant Barry Weisfeld*

*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the  
Estate of Bernard L. Madoff*